

# Exhibit

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**OLIVER SOLOMON**, on Behalf of  
Himself and on Behalf of Others Similarly  
Situating,

Plaintiff,

v.

**NATIONWIDE INVESTIGATIONS  
AND SECURITY, INC.**  
Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

CA No. 4:17-CV-02952

JURY DEMANDED

**AFFIDAVIT OF GREGG M. ROSENBERG**

**STATE OF TEXAS** ,

,

**COUNTY OF HARRIS** ,

**BEFORE ME**, the undersigned authority, personally appeared Gregg M. Rosenberg known to me to be the person whose name is subscribed below and who under oath did state the following:

1. "My name is GREGG M. ROSENBERG. I am over the age of eighteen (18) and I am fully competent to make this affidavit. All of the facts stated herein are true and correct and are based upon my personal knowledge, based on the work that was performed either by me personally or under my direct supervision, particularly for the purpose of this Affidavit with regard to the Documents designated Docket Record numbers 79, 81, 90 and 92 in the above styled case. I am currently the principal in the law firm of ROSENBERG & SPROVACH. My business address is 3518 Travis, Suite 200, Houston, Texas 77002.
2. This affidavit is submitted pursuant to the Order of United States District Judge Charles Eskridge dated November 17, 2020 directing the filing of a motion and supporting affidavit for the attorney fees and expenses incurred when engaging in communication, drafting and filing of motions, responses and replies to Docket Record Nos. 79, 81, 90 and 92 as well as preparing for and attending the court's hearing on August 25, 2020.
3. Though the fee relationship between the plaintiffs and my law firm are contingent upon the outcome of the case, I am familiar with what a reasonable and customary attorney's fee is for attorneys of my level and experience as well as what would be reasonable and customary for an attorney with the experience and ability level of the associate attorney who provided services in this case.
4. When I handle cases on an hourly basis, my hourly rate is \$550.00 per hour. The associate

attorney who assisted me on this case and particularly the motions and responses referenced in the Court's Order, is Tracey Lewis. Ms. Lewis' hourly rate is \$285.00 per hour.

5. The total amount of time expended on the pleadings and filings referenced by the Docket numbers above total 26 hours for Ms. Lewis and 9.5 hours for me. Consequently, the total fees are \$7410.00 for the work performed by Ms. Lewis and \$5,225.00 for the work performed by me for a total of \$12,635.00. The associated out of pocket expenses were inconsequential and relief is not being sought for them. Specifically, the work performed on the actual pleadings and associated work breaks down as follows:
  - a. *Plaintiffs' Motion to Strike Defendant's Pleading, Defenses and Evidence or in the Alternative for Default Judgment* (Dkt. 79) Tracey Lewis, 12 hours, Gregg M. Rosenberg, 2.5 hours
  - b. *Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Strike Defendant's Pleading, Defenses and Evidence or in the Alternative for Default Judgment* (Dkt. 81) Tracey Lewis, 4.5 hours, Gregg M. Rosenberg, .75 hours
  - c. *Plaintiffs' Submission of Defendant Nationwide Investigations and Security, Inc.'s Corporate Deposition Transcript as Requested by the Court* (Dkt. 90) (As well as attendant preparation for and participation in court hearing) Tracey Lewis, 6.5 hours, Gregg M. Rosenberg, 3.75 hours.
  - d. *Plaintiffs' Response to "Defendants' Response to Court's Request or Information Regarding Due Diligence to Provide Discovery" Response* (Dkt. 92) Tracey Lewis, 5 hours, Gregg M. Rosenberg 2.5 hours
6. I graduated from South Texas College of Law in 1985 and became licensed to practice law in the state of Texas in 1986. I became licensed to practice law in the state of New York in 2015. I am a member of the Texas and New York Bars. I am licensed to practice before the United States District Courts for the Southern, Western, Eastern and Northern Districts of Texas, the United States Courts of Appeals for the Fifth, Ninth and Eleventh Circuits and the Supreme Court of the United States. I am Board Certified by the Texas Board of Legal Specialization in the field of Labor & Employment Law and have been continually since December, 1994. I served as Course Director for the 3rd Annual Advanced Employment Law Course, State Bar of Texas Professional Development and have been an active participant with the planning committees of other seminars dealing with the topic of employment law. I am a member of the Houston Bar Association and have served on its Labor & Employment Section as a council member. I was the Chairman of the Texas State Bar, Labor & Employment Section in 1993. I was also a member of the State Bar of Texas Pattern Jury Charge Volume IV Sub-Committee where I assisted in the drafting of proposed jury charges dealing with employment law issues.
7. I have been handling employment related cases since 1986. Since that time, I have handled in excess of two thousand employment related cases (including multiple collective action matters).
6. I have spoken at a significant number of seminars concerning employment discrimination law, and I am familiar with the complexities of this type of litigation.

7. I am generally familiar with the compensation rates and billing practices of other attorneys in the Houston and Harris County area for this type of work.
8. Based on my experience in handling cases of this type, I believe that the attorney's fee structure as set forth above (both for me and Ms. Lewis) are reasonable and that the legal services rendered per the attached invoices were necessary. The billing rate charged by this firm is consistent with the hourly fee rates charged by other attorneys of comparable experience in Houston and Harris County for this type of work. This fee structure is necessary to the prosecution of the case at bar and takes into consideration all the factors enumerated in Texas Disciplinary rules of Professional Conduct 1.04, Section 9, Article X of the State Bar Rules. Regardless as to whether the fee structure is contingent or hourly, the following factors are taken into consideration in my assessment and opinion that the attorney fees charge in this case are reasonable:
  - a) The time and labor involved, the novelty and difficulty of the questions involved, and the skilled required to perform the legal services properly;
  - b) The likelihood that the acceptance of the particular employment will preclude other employment by this firm;
  - c) The fee customarily charged in and around Harris County, Texas for similar legal services;
  - d) The amount involved and the results obtained;
  - e) The time limitations imposed by the client or the circumstances;
  - f) The major and length of the professional relationship with the client;
  - g) The experience, reputation and ability of the lawyer or lawyers performing the services; and
  - h) Whether the fee is fixed or contingent on the results obtained or uncertainty of collection before the legal services have been rendered.
9. I have read the foregoing affidavit, and hereby swear that it is true and accurate based upon my personal knowledge."

  
\_\_\_\_\_  
**GREGG M. ROSENBERG**

**SUBSCRIBED AND SWORN TO BEFORE ME**, this the 23rd day of November 2020,  
which witness my hand and official seal of office.

  
\_\_\_\_\_  
**NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS**

